

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Toshiharu OHBA et al.

Application No.: 09/368,572

Filed: August 5, 1999

For: PLANT PROMOTER AND METHOD...

Confirmation No. 5695

Art Unit: 1656

Examiner: S. CHUNDURU

Washington, D.C.

Atty.'s Docket: OHBA=1A

Date: April 9, 2002

BY HANDCARRY

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] Amendment After Final Rejection []
in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

| | (Col. 1) | | (Col. 2) | | (Col. 3) |
|---|---|-------|---------------------------------------|--|----------------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | | PRESENT EXTRA EQUALS |
| TOTAL | * 12 | MINUS | ** 20 | | 0 |
| INDEP. | * 7 | MINUS | *** 7 | | 0 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | |

| SMALL ENTITY | |
|----------------------|-------------------|
| RATE | ADDITIONAL FEE |
| x 9 | \$ |
| x 42 | \$ |
| + 140 | \$ |
| ADDITIONAL FEE TOTAL | |
| | \$ |

| OTHER THAN SMALL ENTITY | |
|-------------------------|-------------------|
| RATE | ADDITIONAL FEE |
| x 18 | \$ |
| x 84 | \$ |
| + 280 | \$ |
| TOTAL | |
| | \$ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
[] Second - \$ 200.00
[] Third - \$ 460.00
[] Fourth - \$ 720.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
[] Second - \$ 400.00
[] Third - \$ 920.00
[] Fourth - \$ 1440.00

Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By:

ALLEN C. YUN
Registration No. 37,971Facsimile: (202) 737-3528
Telephone: (202) 628-5197

RECEIVED

APR 10 2002

TECH CENTER 1600/2900

RECEIVED
TECH CENTER 1600/2900
02 APR -9 PM 2:24

AFTER FINAL PROCEDURE - PLEASE EXPEDITE HANDLING

#10/Amdt. C
(NE)
4/15/02 ST
RECEIVED

APR 10 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

| | | |
|-----------------------------------|---|-----------------------|
| In re Application of: |) | Art Unit: 1656 |
| |) | |
| Toshiharu OHBA et al. |) | Examiner: S. Chunduru |
| |) | |
| Serial No.: 09/368,572 |) | Washington, D.C. |
| |) | |
| Filed: August 5, 1999 |) | April 9, 2002 |
| |) | |
| For: PLANT PROMOTER AND METHOD... |) | Docket No.: OHBA=1A |
| |) | |
| |) | Confirmation No. 5695 |
| |) | |
| |) | BY HANDCARRY |

02 APR -9 PM 2:25

RECEIVED
TECH CENTER 1600/2900

AMENDMENT AFTER FINAL REJECTION

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of January 14, 2002,
please amend as follows:

IN THE CLAIMS

Please replace claims 3 and 5 with new amended claims
3 and 5 as follows below. A marked up version of the amended
claims to show the changes made is attached hereto.

3(Twice-Amended). A method for controlling the
morphology of a plant, comprising:

transforming a plant with an isolated DNA molecule
comprising a plant promoter ligated to a gene for controlling
plant morphology, wherein the gene for controlling plant

O.K. to enter Bush
6/24/02